

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CAROLYN MILLENDER

Plaintiff,

VS.

CASE NO.: 2:07-cv145-MHT

H. COUNCILL TRENHOLM STATE
TECHNICAL COLLEGE and ANTHONY
MOLINA, in his official capacity as
President of H. Councill Trenholm State
College

Defendants.

**JOINT MOTION FOR LIMITED AMENDMENT OF SCHEDULING ORDER TO
CONTINUE THE TRIAL, THE DISPOSITIVE MOTION DEADLINE AND THE
DISCOVERY DEADLINE**

The parties jointly move the Court for a continuance of the trial of this case, currently set for the trial term beginning on March 31 2007, and for a corresponding extension of all remaining deadlines, namely the pending November 22, 2007 disposition motion deadline; the December 7, 2007 discovery deadline; and the deadlines immediately preceding the trial term. As grounds for this motion, the parties show as follows:

1. That there are numerous issues in this case, involving, among other things, five (5) alleged male comparators and as a result, significant document production and other discovery is still ongoing. In particular, the Plaintiff filed an approximately 17 page Complaint in February 2007, wherein she asserts a claim

of sex discrimination and equal pay; a claim of retaliation; a First Amendment claim; a breach of contract claim, as well as a pattern and practice claim of sex discrimination and retaliation.

2. That the parties have been exceedingly diligent in engaging in discovery in this document intensive, complex employment case. Thus far, the Defendant has produced more than 4,400 documents to the Plaintiff (many of which involve personnel records and thus had to be scrutinized and redacted), and the Plaintiff is seeking numerous other documents by way of a recent discovery request. In turn, the Plaintiff has thus far produced more than 1,180 documents and another approximately 2,300 documents were produced this week in response to Defendant's discovery request. Additional documents are being requested by the Defendant pursuant to a recent discovery request.

3. That in addition, a total of six (6) depositions have been taken in this case with three (3) depositions taking place this week. Nevertheless, a number of critical depositions remain to be taken in this case, including but not limited to, the 30(b)(6) deposition; the deposition of Joan Davis, Vice Chancellor and General Counsel for Post Secondary Education; the Defendant's out-of-state expert witness, as well as a witness for the Plaintiff who is also suing the college and who is also represented by Plaintiff's counsel Candis McGowan. Although the parties have made every effort to coordinate their schedules to take necessary depositions, factors impeding their efforts include Plaintiff's counsel's unyielding litigation schedule and the fact that two of the comparators no longer work for the college, one having started a demanding new job involving a great deal of travel.

4. That the poor health and subsequent untimely death of former President of Trenholm, Dr. Molina, (who was named in his official capacity as a Defendant in this action) in April 2007, two months after the lawsuit was filed, has also impacted on and hindered the discovery process. Plaintiff appears to allege that Dr. Molina arbitrarily placed her on the C-3 salary schedule instead of the C-1 or C-2 salary schedule because of her gender.

5. That a continuance of the trial and above reference limited deadlines would allow the parties the necessary time to accurately sort through the stockpile of detailed factual and statistical evidence in this case to better assess their respective claims and defenses for potential mediation and settlement purposes.

WHEREFORE, the parties respectfully request that this Honorable Court continue the trial of this case, currently set for the March 31 2007 trial term, and for a corresponding extension of all remaining deadlines, namely the November 22, 2007 disposition motion deadline; the December 7, 2007 discovery deadline; and the deadlines immediately preceding the trial term.

Respectfully submitted this 9th day of November 2007

/s/ WILLIAM F. PATTY
William F. Patty
Counsel for Plaintiff
BEERS, ANDERSON, JACKSON
PATTY, VAN HEEST & FAWAL, PC
250 Commerce Street, Suite 100
Montgomery, AL 36104
(334) 834-5311

/s/ MARY GOLDTHWAITE
Mary Goldthwaite
Assistant Attorney General
Counsel for Defendants
OFFICE OF THE ATT. GENERAL
11 South Union Street
Montgomery, AL 36130
(334) 353-9189

/s/ CANDIS A. MCGOWAN

Candis A. McGowan
Counsel for Plaintiff
WIGGINS, CHILDS, QUINN & PANTAZIS, LLC
The Kress Building
301 19th Street North
Birmingham, AL 35203
(334) 314-0513